IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 1204 (S/S) of 2007

Pradeep Kumar Jain S/o Shri V.N. Jain
Senior Assistant Wool Grading Centre, Muni Ki Reti
Tehri Garhwal ------ Petitioner

Versus

1. State of Uttarakhand through Secretary Pashupalan and Fisheries, Dehradun
2. Deputy Director, Animal Husbandry Garhwal Mandal, Pauri
3. Additional Director, Animal Husbandry, Uttarakhand Gopeshwar, Chamoli

------ Respondents

Hon'ble M.M. Ghildiyal, J.

Heard Sri Dinesh Gahatori, learned counsel for the petitioner and Sri N.P. Shah, learned Standing Counsel State of Uttarakhand for the respondents.

By means of this writ petition, the petitioner has prayed for the following reliefs:

1. Issue a writ, order or direction in the nature of certiorari quashing the impugned transfer order dated 03.08.2007 (Annexure no. 6) passed by the respondent no. 2.
2. Issue a writ, order or direction in the nature of mandamus directing the respondents not to interfere in the peaceful function of the petitioner as Senior Assistant at present place of posting.
3. Issue a suitable writ, order or direction, which this Hon'ble Court may deem fit and proper in the circumstances of the case be passed in favour of the petitioner.
4. To award the cost of present writ petition in favour of the petitioner.

The stand of the petitioner is that he is working as Senior Assistant in Wood Grading Centre, Muni Ki Reti, Tehri Garhwal. By the impugned transfer order dated 03.08.2007, the petitioner has been transferred from Muni Ki Reti, Tehri Garhwal to Pipalkoti Chamoli.

Learned counsel for the petitioner has submitted that this transfer order has been passed in the mid-term and as the children of the petitioner are studying at Rishikesh, thus, it is difficult for the petitioner to join at new place of posting. Learned counsel for the petitioner has further submitted that the petitioner is a permanent resident of Uttar Pradesh and when the options were invited from the employees, the petitioner has opted for State of Uttar Pradesh and has also been finally allocated for State of U.P. Learned counsel for the petitioner has submitted that in spite of the final allocation, the petitioner has not yet been relieved for State of U.P. and now by the impugned order dated 03.08.2007, the petitioner has been transferred from Tehri Garhwal to Chamoli.

In the circumstances, I deem it fit and proper to direct the respondents to relieve the petitioner at early as possible for State of U.P., in case he has already been allocated by the Union of India for State of U.P. In the meantime, the petitioner is directed to make representation before the appropriate authority for stay of the transfer order impugned and it is expected from the authority concerned to take decision on the same, considering the fact that the petitioner has been finally allocated for State of U.P. and there is a direction of this Court to the respondents to relieve him as expeditiously as possible. The concerned authority may take

decision for keeping the impugned order in abeyance for such a time, as the authority deems fit and proper.

With this direction, the writ petition is finally disposed of. All the pending applications stand disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

31.08.2007
VKS